



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

May 6, 1991
AO-91-07

Representative Robert Kraus
P.O. Box 131
Kingston, MA 02364

Re: Reimbursement of Telephone Charges

Dear Representative Kraus:

This letter is in response to your letter requesting an advisory opinion. I apologize for the delay in response by this Office.

You have stated that you are renting a small office in Plymouth where you conduct your legal practice and which you also use as a district office. Approximately 50 percent of your telephone calls in and out of your office relate to your duties as a state representative for the 12th Plymouth District. You have asked if your campaign committee may reimburse your law practice, Robert Kraus - Attorney at Law, for 50 percent of your monthly telephone charges.

M.G.L. c.55, s.6 provides, in pertinent part, that political committees such as yours:

. . . may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate . . . , for which the committee was organized so long as such expenditure is not primarily for the candidate's personal use . . .

Therefore, in order for a political committee to pay for a portion of your telephone charges, the primary purpose of the payment must be political in nature, generally for use in a campaign.

In earlier advisory opinions, this Office has concluded

that political committees could expend funds to purchase computers, word processing equipment and fax machines provided that the primary purpose was for use in a political campaign or for the enhancement of a candidate's political future.

This Office has, however, distinguished between one's responsibilities as a public official and one's activities as a political candidate. While a political committee may pay for services related to political activities, it has been the long standing opinion of this Office that a political committee may not pay for services where the primary purpose is to aid a candidate in his or her governmental position. Hence, this Office concluded that a state representative could not purchase a set of Massachusetts general laws to aid in his job as a state representative (see A0-87-05A).

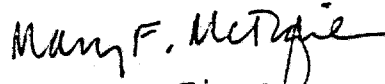
You have explicitly stated in your letter that your political committee's interest in paying your telephone charges is to reimburse you for that portion of your telephone costs that relate to your "duties as State Representative." Therefore, I must conclude that your political committee may not expend funds for that portion of your telephone bill that relates to your duties as a state representative. I note that a political committee could reimburse you for reasonable and necessary telephone charges related to campaign expenditures in accordance with 970 C.M.R. 2.05(2)(h) and 2.06(1).

Your letter stated an interpretation which differed from the one set forth in this advisory opinion. Because this Office did not provide a timely response to your letter, your reliance on the interpretation in your letter would have been reasonable. Therefore, this Office will deem expenditures made by your political committee and based upon the interpretation set forth in your letter permissible provided such expenditures were made prior to receipt of this advisory opinion. The interpretation set forth herein, however, will be effective thereafter.

This opinion has been rendered solely on the basis of the representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this Office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director